

# **Americans with Disability Act**

## **ADA Transition Plan for Public Rights-of-Way**

**William J. Stumph III, Town Council Member**

**Town of Linden, Indiana**

**December 19, 2012**

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## INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and later amended effective January 1, 2009. As written and implemented, the ADA provides comprehensive civil rights protections to person with disabilities in the areas of employments, state and local government services, access to public accommodations, transportation, and telecommunication. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major live activity, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA however, does not specifically name all of the impairments that are covered.

The ADA is divided into five sections covering the flowing topics:

Title I: Employment

Title II: Public Services (and Transportation)

Title III: Public Accommodations (and commercial Facilities)

Title IV: Telecommunications

Title V: Miscellaneous Provisions

Title II, specifically prohibits state and local governments from discriminating against person with disabilities or from excluding participation in or denying benefits of programs, services, or activities to person(s) with disabilities. It is under this title that this transition plan has been prepared. This transition plan is intended to outline the methods by which physical changes will be made to give effect to the non-discrimination policies described in Title II.

## TRANSITION PLAN DEVELOPMENT

To ensure program accessibility for people with disability in the community, the Town of Linden has developed a Transition Plan, which is to be considered good practice.

*This Transition Plan for the Public Rights-of-Way considers the following:*

### **A. ADA COORDINATOR:**

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep maintaining the lines of communication open, and thereby ensuring effective communication between all parties, the Town of Linden has designated Council Member William J. Stumph III as the ADA coordinator. The ADA Coordinator shall coordinate the Town's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any action that would be prohibited under the ADA. The Town shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA Coordinator.

### **B. GRIEVANCE PROCEDURE:**

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. The procedure must be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability of the provisions of services, activities, programs, or benefits provided by the Town of Linden.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complaint and location, date, and description of the problem. Grievance Forms must be used to lodge a complaint, please make reference to Appendix A. Alternative means of filing complaints, such as personal interviews or recording of the complaint will be made available for person with disabilities upon request. The complaint should be submitted by the grievant and/or

his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

**ADA Coordinator  
Town of Linden  
302 E. Water Street  
Linden, IN 47955**

Within 15 calendar days after receipt of the complaint, ADA Coordinator or His Designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille or audio tape. The response will explain the position of the Town of Linden and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or his designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision within 15 calendar days after the receipt of the response to the ADA Coordinator or designee. Within 15 calendar days after the receipt of the appeal, the ADA Coordinator or his designee will meet again with the complainant to discuss the appeal and possible resolutions. Within 15 calendar days after the meeting the ADA Coordinator or his designee will respond in writing, and where appropriate, in formats described above that accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his designee, appeals to the ADA Coordinator or his designee, and responses from ADA office will be retained by the Town of Linden for at least three years.

### **C. SELF EVALUATION/COMMITMENT**

The Town of Linden has conducted an inventor of evaluations of curbs ramps and sidewalks using aerial views. The majority of these do not meet ADA requirements. The Town is committed to making all sidewalk and curb ramp areas accessible to all pedestrians including those with disabilities. This will be accomplished through the following programs.

- All new construction, reconstruction, roadwork construction or alteration, including federal projects under the control and/or inspection of the Department of Public Works will be in compliance with ADA;
- The town will have in place a sidewalk repair program annually;
- Allotting a conservative estimate of \$2,000 per curb ramp installation or reconstruction, the Town of Linden is committing up to \$30,000 over the next ten years to solicit a separate contract for the sole purpose of installing new curb ramps and reconstructing existing sidewalks and curb ramps to meet compliance.

The missing or non-compliant curb ramps shall be prioritized.

#### **D. ADA STANDARDS/GUIDELINES:**

The standards are intended to apply to all construction undertaken within the Town Right-of-Way. The Indiana Department of Transportation design guidelines and standard drawing will serve as the primary standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

### **IMPLEMENTATION**

The Town intends to implement this Transition Plan effective the date of this document. Not only does the Town commit to following the guidelines set forth in this Transition Plan but it also commits to actively revising and amending this document as new information is discovered. Further, as a matter of policy, this document will be updated at least every five years. Finally, a copy of this document will be placed on the Town's website.

## APPENDIX A: Complaint / Grievance Form

### Grievant Information:

Grievant Name:			
Address:	City:	State:	ZIP:
Phone:	Email:		
Alternative Phone:			

### Person Preparing Complaint if other than grievant:

Name:			
Address:	City:	State:	ZIP:
Phone:	Email:		
Alternative Phone:			

Please specify any location(s) related to the complaint or grievance:

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Please provide a complete description of the specific complaint or grievance:

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Please state what you think should be done to resolve the complaint or grievance:

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Please attach additional pages as needed.

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Date: \_\_\_\_\_

Please return to:

**ADA Coordinator  
Town of Linden  
302 E. Water Street  
Linden, IN 47955**

**Upon request, reasonable accommodation will be provided in completing this form. Contact the ADA Coordinator at the address above.**